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CLERK, U.S. DISTRICT COURT

DEG 1 0 2010

CENTRAL DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. MJ 10-00387

v.

JOSE CERVANTES-TORRES,

ORDER OF DETENTION

Defendant.

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- A. () On motion of the Government in a case allegedly involving:
 - 1. () a crime of violence.
 - 2. () an offense with maximum sentence of life imprisonment or death.
 - 3. () a narcotics or controlled substance offense with maximum sentence of ten or more years .
 - 4. () any felony where the defendant has been convicted of two or more prior offenses described above.
 - 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.
- B. (v) On motion by the Government / () on Court's own motion, in a case

1	allegedly involving:
2	() On the further allegation by the Government of:
3	1. (a serious risk that the defendant will flee.
4	2. () a serious risk that the defendant will:
5	a. () obstruct or attempt to obstruct justice.
6	b. () threaten, injure, or intimidate a prospective witness or juror or
7	attempt to do so.
8	C. The Government () is/() is not entitled to a rebuttable presumption that no
9	condition or combination of conditions will reasonably assure the defendant's
10	appearance as required and the safety of any person or the community.
11	
12	II.
13	A. (v) The Court finds that no condition or combination of conditions will
14	reasonably assure:
15	1. (v) the appearance of the defendant as required.
16	() and/or
17	2. () the safety of any person or the community.
18	B. () The Court finds that the defendant has not rebutted by sufficient
19	evidence to the contrary the presumption provided by statute.
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21	III.
22	The Court has considered:
23	A. the nature and circumstances of the offense(s) charged, including whether the
24	offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25	victim or a controlled substance, firearm, explosive, or destructive device;
26	B. the weight of evidence against the defendant;
27	C. the history and characteristics of the defendant; and
28	D. the nature and seriousness of the danger to any person or to the community.
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1	IV.
2	The Court also has considered all the evidence adduced at the hearing and the
3	arguments and/or statements of counsel, and the Pretrial Services
4	Report/recommendation.
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6	V.
7	The Court bases the foregoing finding(s) on the following:
8	A. (V) As to flight risk: <u>Nature of the offenses; illegal</u>
9	Status in the U.S.
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16	B. (V) As to danger: Nature of the offenses; criminal
17	<u>record</u>
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24	VI.
25	A. () The Court finds that a serious risk exists that the defendant will:
26	1. () obstruct or attempt to obstruct justice.
27	2. () attempt to/() threaten, injure or intimidate a witness or juror.
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1	B. The Court bases the foregoing finding(s) on the following:
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9	VII.
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11	A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
12	B. IT IS FURTHER ORDERED that the defendant be committed to the
13	custody of the Attorney General for confinement in a corrections facility
14	separate, to the extent practicable, from persons awaiting or serving
15	sentences or being held in custody pending appeal.
16	C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
17	opportunity for private consultation with counsel.
18	D. IT IS FURTHER ORDERED that, on order of a Court of the United States
19	or on request of any attorney for the Government, the person in charge of
20	the corrections facility in which the defendant is confined deliver the
21	defendant to a United States marshal for the purpose of an appearance in
22	connection with a court proceeding.
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25	Mis: Il forentiero
26	DATED: December 10, 2010 HONORABLE ALICIA G./ROSENBERG
27	UNITED STATES MAGISTRATE JUDGE
28	

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